

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## ***RULES CLEARINGHOUSE***

**Ronald Sklansky**  
Director  
(608) 266-1946

**Richard Sweet**  
Assistant Director  
(608) 266-2982



**David J. Stute, Director**  
Legislative Council Staff  
(608) 266-1304

One E. Main St., Ste. 401  
P.O. Box 2536  
Madison, WI 53701-2536  
FAX: (608) 266-3830

## **CLEARINGHOUSE RULE 96-015**

### **Comments**

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]**

#### **1. Statutory Authority**

In s. ATPC 99.22 (3) (a) 2., it appears that the fee for additional locations a grain dealer operates is not contemplated under ch. 127, Stats. Can any statutory authority be cited for this provision?

#### **2. Form, Style and Placement in Administrative Code**

a. In s. ATPC 99.01 (9) (intro.), the comma after “seed” on line 15 should be underscored.

b. In s. ATPC 99.01 (19), “year” on line 26 should not be underscored.

c. In s. ATPC 99.01 (23), “federal grain standards act” should be capitalized to be consistent with the text of the current rule or the section should be amended.

d. Section ATPC 99.01 (31) and (32) should be renumbered as subs. (27g) and (27r) so that the defined terms are in alphabetical order.

e. In the Note to ch. ATPC 99, subch. II, “subchapter” on line 19 should be “subch.” to be consistent with the text of the current rule.

f. In s. ATPC 99.04 (2) (intro.), the comma after “public” on line 23 should not be underscored.

g. In s. ATCP 99.06 (2) (b), the notation “, Stats.,” should be inserted after the citation to “ch. 442.” [See, also, s. ATCP 99.26 (2) (b).]

h. In s. ATCP 99.08 (1) (a), on line 24, “the warehouse keeper’s” should be placed before “ratio” to be consistent with the text of the current rule.

i. Section ATCP 99.14 (1) (title) should not be underscored.

j. In s. ATCP 99.20 (2) (c) and (e), “(Name of warehouse keeper)” should be underscored to be consistent with the text of the current rule.

k. In s. ATCP 99.20 (2) (c) 1., “1” should be “1.00” to be consistent with the text of the current rule.

l. In s. ATCP 99.20 (2) (c) 2., “cents” should be “¢” to be consistent with the text of the current rule.

m. In s. ATCP 99.22 (5) (c), the stricken language and the underscoring should be deleted since the paragraph is repealed and recreated.

n. In s. ATCP 99.26 (1), subds. 1. to 3. should be numbered pars. (a) to (c) and the cross-reference in the Note should be corrected.

o. In s. ATCP 99.40 (3) (b), the underscored language beginning on line 24 with “at least one-half hour before” should be placed after “~~commodity exchanges are closed~~” on line 2 of the next page.

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

a. In s. ATCP 99.06 (4) (a), a period should be inserted after “par. (b) 2.” This comment also applies to subds. (5) and (6) (c), s. ATCP 99.22 (3) (e) 1., the Notes to s. ATCP 99.26 (1) 3. and (2) (a) 3. and s. ATCP 99.26 (5) and (6) (c).

b. In s. ATCP 99.06 (6), “par.” should be “pars.”

c. In s. ATCP 99.26 (6) (b), “sub.” should be “subs.”

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. In s. ATCP 99.01 (11m), “employee” should be spelled “employe” to be consistent with the Wisconsin statutes.

b. In s. ATCP 99.14 (2) (a), “a” should be inserted before “person” on line 7.

c. In s. ATCP 99.22 (3) (a) 4. and (b) 3., the rule provides that a surcharge will be required if the last previous financial statement which the grain dealer filed with the department was not audited. Sections 127.03 (3) (a) 1. and 2., Stats., seem to require the surcharge if the

financial statement for the current licensing application is not audited. Should this be clarified in the rule?

d. In s. ATCP 99.28 (1) (intro.), “who meets the criteria” could be inserted after “a grain dealer” for clarity. This comment also applies to s. ATCP 99.30 (intro.).

e. In s. ATCP 99.28 (2) (intro.), “both” could be replaced with “all” to facilitate adding paragraphs to the section in the future.

f. In s. ATCP 99.28 (3), it appears that the phrase “has reason to know” would be more appropriate as “has reason to believe.”

g. In s. ATCP 99.47 (1), on line 34, should “offsetting asset” be “offsetting assets”?